

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 13, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ELECTRONICALLY PRESENT:
COMMISSIONER LARRY A. ELLERTSON, CHAIR

ALSO PRESENT:

David Shawcroft, Civil Division Chief Deputy Attorney	Peggy Kelsey, Community Development
Paul Jones, Utah County Deputy Attorney	Joshua Ivie, Community Development
Carl Hollan, Utah County Deputy Attorney	Mark Brady, Assistant Personnel Director
Bryan E. Thompson, Utah County Clerk/Auditor	Jeff Smith, Utah County Recorder
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Andrea Allen, Utah County Recorder's Office
Michelle Araujo, Utah County Commission Office	Dennis Harris, Utah County Sheriff's Office
Lisa K. Nielson, Utah County Commission Office	Dalene Higgins, Utah County Sheriff's Office
Brian Voeks, Utah County Commission Office	Gary Ratcliffe, Utah County Surveyor
Burt Garfield, Utah County Assessor's Office	Kim T. Jackson, Utah County Treasurer
Jim Stevens, Utah County Assessor's Office	Rebecca Martell, Children's Justice Center
Ralph Clegg, Utah County Health Department	Ken Condie, Condie Construction Company
Steve Mickelson, Utah County Health Department	Adam Kaeneman, -No further information given-
Andrea Shoell, Utah County Health Department	Nick Kohmarker, -No further information given-
Jordan Gray, Drug & Alcohol Prevention & Treatment	Danielle Downs, <i>The Daily Herald</i>
Blu Robinson, Drug & Alcohol Prevention & Treatment	Mike Stansfield, Fairways Media
Travis Visser, Drug & Alcohol Prevention & Treatment	Renée Huggins-Caron, Clerk/Auditor Admin. Assistant

Commissioner Ellertson called the meeting to order at 9:05 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Pat Bird, Utah County Department of Drug & Alcohol Prevention & Treatment
PLEDGE OF ALLEGIANCE: Bill Lee, Utah County Commissioner

CONSENT AGENDA

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN ORDER CALLING FOR A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH ON OCTOBER 8, 2015 AT 9:45 A.M.**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH - VICTIMS OF CRIME ACT (VOCA) GRANT ADDENDUM FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER, FAMILY JUSTICE CENTER PROGRAM AND REPORT ON VOCA PROGRAMS**
(Continued from the October 6, 2015 Commission meeting)
3. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60330, DATED OCTOBER 8, 2015**
4. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20343, DATED OCTOBER 7, 2015**

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5. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
6. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR, COUNTY TREASURER AND ASSISTANT COUNTY TREASURER TO EXECUTE, AS INDICATED, THE INVESTMENT MANAGEMENT AGREEMENT, EXHIBIT A INSTITUTIONAL LIQUIDITY MANAGEMENT FEE SCHEDULE, INVESTMENT POLICY STATEMENT, INSTITUTIONAL CLIENT ACCOUNT OPENING AND SUITABILITY FORM, AND ACKNOWLEDGMENT FOR DISCLOSURE BROCHURES AND PRIVACY NOTICE, WITH ZIONS CAPITAL ADVISORS FOR INSTITUTIONAL LIQUIDITY MANAGEMENT SERVICES**
8. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**
9. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-16**
(Continued from the October 6, 2015 Commission meeting)
10. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1 through 10 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE THE MINUTES OF THE AUGUST 18, 2015 COMMISSION MEETING** *(Continued from the October 6, 2015 Commission meeting)*

The commissioners requested Regular Agenda Item No. 1 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 20, 2015

2. **APPROVE THE MINUTES OF THE AUGUST 25, 2015 COMMISSION MEETING**

The commissioners requested Regular Agenda Item No. 2 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 20, 2015

3. **APPROVE THE MINUTES OF THE SEPTEMBER 1, 2015 COMMISSION MEETING**

The commissioners requested Regular Agenda Item No. 3 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 20, 2015

4. **APPROVE THE MINUTES OF THE SEPTEMBER 8, 2015 COMMISSION MEETING**

The commissioners requested Regular Agenda Item No. 4 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 20, 2015

5. **APPROVE THE MINUTES OF THE SEPTEMBER 15, 2015 COMMISSION MEETING**

The commissioners requested Regular Agenda Item No. 5 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 20, 2015

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10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN HIGHLAND WHOLESALE FOODS' CREDIT APPLICATION**
11. **RATIFY THE ELECTRONIC RENEWAL OF AN AGREEMENT WITH THE UTAH HIGHWAY SAFETY OFFICE TO FUND THE HISPANIC SEAT BELT PROJECT**
12. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE SUBORDINATION, NON-DISTURBANCE, ATTORNMENMENT AND ESTOPPEL AGREEMENT WITH WELLS FARGO BANK**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-43 WITH SUNDBERG-OLPIN MORTUARY FOR INDIGENT BURIAL SERVICES**
14. **APPROVE AND AUTHORIZE AN AMENDMENT TO AGREEMENT NO. 2015-184 WITH THE UTAH DEPARTMENT OF HEALTH TO EXTEND FUNDING FOR THE 'LIVING THROUGH ENVIRONMENT, POLICY AND IMPROVED CLINICAL CARE' (EPICC) PROGRAM**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR MATERNAL AND CHILD HEALTH FUNDING**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR SURVEILLANCE ON ALL SUSPECTED PRION DISEASE CASES**
18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2015-109 WITH PAYSON CITY TO CHANGE FUNDING LINES FOR THE STRENGTHENING FAMILIES PROGRAM; NO CHANGE IN DOLLAR AMOUNT SPENT**
19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-696 WITH GLOBAL SPECTRUM, L.P. FOR MAINTENANCE SERVICES AT THE UTAH VALLEY CONVENTION CENTER**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROJECT ENGINEERING CONSULTANTS INC TO PRODUCE A MASTER PLAN OF VIVIAN PARK**
22. **ACCEPT OR REJECT THE OFFER TO PURCHASE AND EARNEST MONEY DEPOSIT FOR PROPERTY LOCATED AT APPROXIMATELY 871 SOUTH AUTO MALL DRIVE, AMERICAN FORK, UTAH, CONSISTING OF 6.420 ACRES**

The commissioners noted that Regular Agenda Item No. 22 was being moved to the Consent Agenda for rejection.
REJECTED

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 10 were ratified; Nos. 2 and 7 were approved and authorized; Nos. 3, 4, 5 and 9 were approved; No. 6 was abated; and No. 8 was adopted. Regular Agenda Item Nos. 1 through 5 were continued to the October 20, 2015 meeting of the Board; Nos. 10, 13, 14, 15, 16, 18, 19 and 21 were approved and authorized; Nos. 11 and 12 were ratified; and No. 22 was rejected.

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ORDER NO.: 2015-2

AGREEMENT NOS.: 2015-676, 2015-677, 2015-678, 2015-679, 2015-680, 2015-681, 2015-682, 2015-683, 2015-684, 2015-685, 2015-686, 2015-687, 2015-688, 2015-689, 2015-690, 2015-691 and 2015-692

RESOLUTION NO.: 2015-124

REGULAR AGENDA

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ‘COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS’ WITH CONDIE CONSTRUCTION CO. FOR AN EXISTING MINING OPERATION, SITE LOCATION OF APPROXIMATELY 11998 S 6202 W, SECTION 23, T9S, R1E, SLB&M, M&G-1 ZONE, SOUTH WEST MOUNTAIN AREA OF UNINCORPORATED UTAH COUNTY; SURETY NO. MS3220963, AMOUNT OF \$40,390.00 WITH GREAT AMERICAN INSURANCE COMPANY, 301 E 4TH ST., CINCINNATI, OHIO 45202**

Commissioner Lee asked whether all processes had been completed to ensure Regular Agenda Item Nos. 6 through 9 were in compliance, and Peggy Kelsey of the Utah County Community Development Office replied in the affirmative. Ms. Kelsey explained there are two separate mining operations in the same area, and the applicants have requested the bonding agencies be changed. County engineers completed an inspection, but travel routes are ‘grandfathered’ into the agreements and additional requirements are not needed.

Commissioner Lee made the motion to approve the ‘Compliance Agreement and Bond for Open Pit Mining Operations’ with Condie Construction Co. for an existing mining operations as detailed in Regular Agenda Item No. 6. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves

NAY: None

AGREEMENT NO. 2015-693

7. **APPROVE THE RELEASE OF BOND FOR OPEN PIT MINING OPERATIONS, FOR CONDIE CONSTRUCTION CO., LLC, PERMIT NO. 96-001, SURETY BOND NO. 5949780 IN THE AMOUNT OF \$160,000.00, AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER; SURETY IS SAFECO INSURANCE COMPANY OF AMERICA, 14123 DENVER WEST PARKWAY, GOLDEN CO. 84401**

Commissioner Lee made the motion to release the bond for open pit mining operations for Condie Construction Co. as detailed in Regular Agenda Item No. 7. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves

NAY: None

AGREEMENT NO. 2015-694

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8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ‘COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS’ WITH DOUBLED C, LLC FOR AN EXISTING MINING OPERATION, SITE LOCATION OF APPROXIMATELY 11998 S 6000 W, SECTION 23, T9S, R1E, SLB&M, M&G-1 ZONE, SOUTH WEST MOUNTAIN AREA OF UNINCORPORATED UTAH COUNTY; SURETY NO. MS3220964 IN TOTAL AMOUNT OF \$62,602.95 WITH GREAT AMERICAN INSURANCE COMPANY, 301 E 4TH ST., CINCINNATI, OHIO 45202**

Commissioner Lee made the motion to approve the ‘Compliance Agreement and Bond for Open Pit Mining Operations’ with Doubled C, LLC for an existing mining operations as detailed in Regular Agenda Item No. 8. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-695

9. **APPROVE THE RELEASE OF BOND FOR OPEN PIT MINING OPERATIONS FOR DOUBLED C, LLC, COMPLIANCE AGREEMENT NO. 2010-324, SURETY BOND NO. 6611126 IN THE AMOUNT OF \$48,149.71 AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER; SURETY IS SAFECO INSURANCE COMPANY OF AMERICA/LIBERTY MUTUAL SURETY 14123 DENVER WEST PARKWAY, GOLDEN CO. 84401**

Commissioner Lee made the motion to release the bond for open pit mining operations for Doubled C, LLC, Compliance Agreement No. 2010-324 as detailed in Regular Agenda Item No. 9. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-696

17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEALING AND RECOVERY MASSAGE, DBA INCORPORATE MASSAGE, FOR FIVE-MINUTE MASSAGES AT THE WELL4LIFE BOOTH DURING THE 2015 BENEFIT FAIR**

Commissioner Lee asked about the funding source for this agreement with Incorporate Massage, and Utah County Health Department Interim Director Ralph Clegg responded the \$980 fee is coming from the Wellness program. Commissioner Ellertson questioned why the service is needed, and Commissioner Lee stated he does not want to pay for employee massages with taxpayer money. Commissioner Ellertson suggested checking with the College of Massage Therapy to see if they would provide the services at no cost.

Commissioner Graves made the motion to strike Regular Agenda Item No. 17 from the calendar. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

STRICKEN

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20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT FOR KIMBALL CREEK SUBDIVISION IN THE AMOUNT OF \$76,976.60

Utah County Public Works Director Richard Nielson explained that improvements are needed for the Kimball Creek Subdivision, including roadway work, subdivision monuments, and utilities. He mentioned a spreadsheet which details all required improvements that could be attached to the agreement for the subdivision which was recently approved by the commissioners.

Commissioner Lee made the motion to approve the subdivision improvement and warranty agreement for Kimball Creek Subdivision as outlined in Regular Agenda Item No. 20. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson

William C. Lee

Greg Graves

NAY: None

AGREEMENT NO. 2015-696

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

23. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

STRICKEN

24. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

STRICKEN

25. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

STRICKEN

26. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

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Commissioner Graves made the motion to strike Regular Agenda Item Nos. 23 through 26 from the calendar. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments. This concluded discussion of all scheduled items on the agenda.

Commissioner Graves made the motion to adjourn the October 13, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 9:19 A.M. The minutes of the October 13, 2015 Commission meeting were approved as transcribed on October 20, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor